

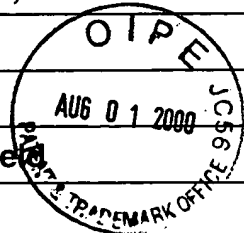
Rce/1645

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA)

Application Number	08/753,750
Filing Date	November 29, 1996
First Named Inventor	LO et al.
Group Art Unit	1645
Examiner Name	N. M. Minnified
Attorney Docket No.	021645.0105



Box RCE

Commissioner of Patents
Washington, D.C. 20231

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-captioned application.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 3, 2000 (Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other: _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (including Form PTO-1449 and References)
- iv. ☒ Other: Petition for Further Extension of Time to Two Months

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2. Miscellaneous

- a. ☐ Suspension of action on the above-captioned application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed three months; Fee under 37 C.F.R. § 1.117(i) required.)
- b. ☐ Other: _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Fees are calculated as follows:
- | | AMOUNT | <input type="checkbox"/> Large Entity | <input checked="" type="checkbox"/> Small Entity |
|--|-----------|---|--|
| i. <input checked="" type="checkbox"/> RCE BASIC FEE | \$ 345.00 | \$ 690.00 | \$ 345.00 |
| ii. <input checked="" type="checkbox"/> EXTENSION FEES | \$ 135.00 | One-Month \$ 110.00
Two-Month 380.00
Three-Month 870.00
Four-Month 1360.00
Five-Month 1850.00 | \$ 55.00
190.00
435.00
680.00
925.00 |
| iii. <input type="checkbox"/> OTHER | \$ 0.00 | \$ 0.00 | \$ 0.00 |
- b. ☒ Check in the amount of **\$480.00** is enclosed. The Commissioner is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 02-0375**.
- c. ☐ The Commissioner is hereby authorized to charge the fees as indicated above, or credit any overpayments, to **Deposit Account No. 02-0375**.

SUBMITTED BY

Typed or Printed Name

James B. Arpin

Signature

Date

Complete (if applicable)

Registration No.

33,470

August 1, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
LO et al.)	Group Art Unit: 1645
)	
Application Number: 08/753,750)	Examiner: N. M. Minnifield
)	
Filed: November 29, 1996)	
)	
For: TRANSFERRING BINDING)	
PROTEINS OF PASTEURILLA)	
HAEMOLYTICA AND VACCINES)	
CONTAINING SAME)	



**SUBMISSION ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION**

BOX RCE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.114, Applicants are filing this Submission in response to the Office Action, mailed March 1, 2000, and the Advisory Action, mailed July 25, 2000. This Submission augments the Responsive Amendment filed July 3, 2000, and Applicants respectfully request that the Examiner reconsider the rejections based on this Submission, the arguments raised in the Responsive Amendment, and the amendments contained in the Responsive Amendment, which the Examiner had previously refused to enter and consider.

Amendment to the Sequence Listing

In the Advisory Action, the Examiner indicates that "Applicants should show where in Figure 21 the additional nucleotides are found that support fact [sic] that new SEQ 1 was set forth in the originally filed application." Advisory Action, Note. Applicants maintain, however, that this information was provided in the Responsive Amendment.

In the Responsive Amendment, Applicants state that

the nucleic acid sequence encoding SEQ ID NO:2 is provided in the application as originally filed in Figure 21 (the condons [sic] missing from the original Sequence Listing appear on line 36), and SEQ ID NO:1 as shown in the Sequence

Listing enclosed herewith contains nucleotides corresponding to the missing codons. Thus, no new matter is added to the application by replacement of the erroneous sequence in the original Sequence Listing with the correct sequence from Figure 21.

Responsive Amendment, Page 3, Lines 23-26, and Page 4, Lines 1-2 (emphasis added). Thus, Applicants believe that the source of the additional nucleotides has been set forth, and Applicants respectfully request that the Examiner withdraw the objections and enter the amendment to the specification.

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Rejections to Claims

In the Advisory Action, the Examiner states that "[t]he new SEQ 1 specific stringency conditions and recitation of 'isolated and purified' [in the amended claims] would require further search and/or consideration." Advisory Action, Note. Nevertheless, in the Advisory Action, the Examiner further states that the "[a]rguments have been previously addressed." and do not place the application in condition for allowance. Applicants maintain that because the arguments raised in the Responsive Amendment find support in the amended claims, the arguments raised in the Responsive Amendment may not be fully considered without entry and full search and consideration of the proposed amendments to the specification. In particular, Applicants' response to the rejection under 35 U.S.C. § 132 is based on the entry of the amendments to SEQ 1 (with respect to claims 34 and 35) and the proposed amendments to claim 47. Responsive Amendment, Page 4, Lines 15-28.

Applicants maintain that the arguments raised in the Responsive Amendment were not fully considered in view of the refusal to enter, search, and consider the amendments proposed in the Responsive Amendments. Further, in view of the arguments raised in the Responsive Amendment and the request for entry of the refused amendments in this Request for Continued Examination, Applicants maintain that the refused amendments should properly be entered for search and consideration in this application. Therefore, in view of this Submission and the

Responsive Amendment, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections to the pending claims.

Conclusion

Applicants respectfully submit that all of the pending claims, as amended in accordance with the Responsive Amendment, are now in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that prosecution may be furthered by discussing the application, in person or by telephone, with Applicants' representatives, we would welcome the opportunity to do so.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: 

James B. Arpin
Registration No. 33,470

Dated: August 1, 2000

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